

# **COUNCIL FOR HEARING INSTRUMENT SPECIALISTS**

## **MINUTES**

**Date: December 1, 2005**

**Time: 9:00a.m.**

**Location: Tennessee Room, Ground Floor  
Cordell Hull Building  
425 5<sup>th</sup> Ave. North  
Nashville, TN 37247-1010**

### **Members Present**

**Dr. David Levy, Chairman**

**Mr. Thomas A. Stewart, Secretary**

**Dr. Robert E. Bowers, Council Member**

**Mr. Jackie L. Miller, Council Member**

**Mr. James D. Alderman, Citizen Member**

**Ms. Robbie Bell, Ex Officio, Director**

### **Staff Present**

**Ms. Bonnie Ferrell, Administrator**

**Ms. Marva Swann, Unit Director**

**Ms. Nicole Armstrong, Advisory Attorney**

**Mr. Jerry Kosten, Rules Coordinator**

**Ms. Brandi Bozarth, Litigating Attorney**

**The Council Chair, Dr. David Levy determined that a sufficient number of Council members were in attendance to constitute a quorum and called the meeting to order at 9:15 am.**

### **Conflict of Interest**

**Ms. Nicole Armstrong reviewed the Conflict of Interest Policy with the Council members.**

### **Travel**

**Ms. Armstrong reviewed the rules for travel with the Council. She also informed them that the reimbursement for mileage was increased from thirty eight cents per mile to forty six cents per mile. This increase is only going to be in effect until December 31, 2005, at which time it will return to thirty eight cents per mile.**

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### **O.G.C. Report**

Ms Armstrong informed the Council of the following:

### **Rules:**

Effective January 14, 2006:

- Tenn. Comp. R. & Regs. 1370-2-.12 regarding continuing education

Under review by the Attorney General:

- Tenn. Comp. R. & Regs. 1370-1-.05 regarding criminal background checks for initial applicants for licensure

Roll call vote scheduled:

- Tenn. Comp. R. & Regs. 1370-2-.08, .12, .19, .20 regarding examinations, screening panels, advertising, continuing education

### **Litigation:**

The Office of General Counsel, Tennessee Department of Health, currently has five (5) open cases pertaining to the Council for Licensing Hearing Instrument Specialists

### **Contested Case**

Ms. Bozarth, State's OGC Litigating attorney presented the charges against Mr. Graig Haltom to the Council. Mr. Haltom was charged with allegedly presenting fraudulent and misleading advertising to the public.

Mr. Raymond Conkin, attorney, presented his defense for Mr. Haltom

Ms. Betty Houser, State Investigator, testified for the State regarding her investigation of Mr. Haltom.

Ms. Bozarth presented newspaper ads and a video of Mr. Haltom's advertising on TV.

After reviewing all the evidence presented by both sides and hearing the closing arguments, Mr. Thomas made a motion to dismiss the charges against Mr. Haltom. The motion was seconded by Mr. Jackie Miller and the motion. Dr. David Levy also voted to dismiss while Dr. Robert Bowers and Mr. James Alderman voted against dismissal. The motion to dismiss was carried by majority.

Ms. Bozarth informed the Council that the contested cases of John Evans and Ross Osborne were continued.

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### **Rules**

Mr. Jerry Kosten reviewed the Rule amendments regarding Rule 1370-2-.08, .12, .19, .20 – Regarding Examinations, screening panels, advertising, continuing education. Mr. Stewart made a motion to accept the amendments as written. The motion was seconded by Mr. Miller and a roll call vote was taken with all Council members voting to accept.

Mr. Kosten explained amendments to Rule 1370-2-.01- Regarding Definitions, by adding Mobile Facility. After much discussion and Ms. Armstrong advising the Council against these amendments, Mr. Stewart made a motion to table them. Mr. Miller seconded the motion and the motion carried.

### **Policy Statement**

Ms. Bonnie Ferrell presented a Policy Statement regarding “Current License Mandatory”. She explained that this policy would allow the Administration to send notice to all licensees that are reinstating their license and have worked on their expired license in excess of three (3) months a notice of a fine of one hundred dollars (\$100 ) per month for every month worked over three (3) months.

Dr. Bowers made a motion to accept and Mr. Miller seconded the motion. The motion carried.

### **Examinations**

The Council recessed to administer examinations at 10:15am.

The Council reconvened at 12:15pm.

### **RFP**

Ms. Robbie Bell presented a draft of an RFP for the Council to review. The RFP was a contract for bid regarding Practical Examinations for Hearing Instrument Specialists apprentice and full licensure. After much discussion, Dr. Bowers made a motion to table this until Dr. Levy and Mr. Stewart could meet with Ms. Bell for further discussion. Mr. Miller seconded the motion and the motion carried. Ms. Bell will meet Dr. Levy and Mr. Stewart in Cookeville, TN on February 23, 2006.

### **Minutes**

Mr. Stewart made a motion to accept the minutes of the August 4, 5, 2005 Council meeting with one amendment. Mr. Miller seconded the motion and the motion carried.

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### **Investigative Report**

Ms. Armstrong reviewed the investigative report with the Council. She stated that four (4) complaints this year and there were three (3) still open as of the end of October.

### **Disciplinary Report**

Ms. Armstrong informed the Council that three disciplinary actions had been taken this year as of the end of October. this time. There are three (3) contested cases

Ms. Ferrell issued the Council members new I.D. cards and sent them to have new pictures taken.

### **Financial Report**

Ms. Bonnie Ferrell presented the financial report to the Council stating that they were reducing their deficit and were in the black this quarter.

### **Correspondence**

Ms. Ferrell reviewed a request from Mr. Thomas Bunetta asking the Council to waive the required two (2) years of college in lieu of his experience. She also reviewed a request from Mr. Kurtiss Smelser asking the Council to hold his application open for more than the thirty days after they receive notification of what is lacking to complete their application. Mr. Smelser was lacking nine (9) credit hours of education. The Council denied both requests, stating that they did not have the authority by law to make exceptions.

### **Ratification**

Mr. Stewart made a motion to approve licensure to the following applicants:

Walter S. Burbank – Full Licensure  
Sammi J. Falconbury – Full Licensure  
Christopher J. Healy – Full Licensure  
Michael J. Simpson - Apprentice

Dr. Bowers seconded the motion and the motion carried.

**Administrators Report**

Ms. Ferrell reviewed the Administrator's Report with the Council. She informed them of the temporary increase in the reimbursement of mileage, from thirty eight cents per mile to forty six cents per mile until December 31, 2005. As of January 1, 2006 it would return to thirty eight cents per mile. She also explained that we were in the process of drafting a contract for the practical examination.

**Adjournment**

There being no further business Mr. Stewart made the motion to adjourn the meeting. The motion was seconded by Dr. Bower and carried. The meeting adjourned at 2:00pm.

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Dr. David Levy, Council Chair

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Date